

Notice of Allowability

Application No.

09/939,782

Examiner

Robert M. Pond

Applicant(s)

ALIE ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment (8/28/06) and Examiner's Amendment (20070104).
2. ☒ The allowed claim(s) is/are 1-3, 5-9, 11-21, 24, 25, 28, 29, and 31-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/28/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070105.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory Carlin, Reg. #45,607 on 05 January 2007.

Allowed Claims

Claims 1-3, 5-9, 11-21, 24, 25, 28, 29, and 31-45 are allowed as entered on 28 August 2006. Claims 4, 10, 22, 23, 26, 27, and 30 are canceled as entered on 28 August 2006.

In the Claims

The claims entered on 18 September 2006 are amended as follows:

- Claim 1, claim line 5, delete "capable of delivering" and insert therefore:

- -delivers- -

- Claim 1, claim line 6, delete "capable of receiving" and insert therefore:

- -receives- -

Art Unit: 3625

- Claim 1, claim line 11, delete “configured to receive” and insert therefore:
- -receives- -
- Claim 1, claim line 12, delete “to hold” and insert therefore: - -holds- -
- Claim 1, claim line 12, delete “to transmit” and insert therefore:
- -transmits- -
- Claim 1, claim line 17, delete “configured to receive” and insert therefore:
- -receives- -
- Claim 1, claim line 18, delete “configured to automatically transmit” and
insert therefore: - -automatically transmits- -
- Claim 1, claim line 19, delete “to receive” and insert therefore:
- -receives- -
- Claim 1, claim line 21, delete “also configured to transmit” and insert
therefore: - -transmits- -
- Claim 1, claim line 24, delete “configured to receive” and insert therefore: -
-receives- -
- Claim 1, claim line 25, delete “to transmit” and insert therefore:
- -transmits- -
- Claim 2, claim line 2, delete “is capable of delivering” and insert therefore:
- -delivers- -
- Claim 3, starting on claim line 2, delete “is capable of transmitting” and
insert therefore: - -transmits- -

Art Unit: 3625

- Claim 5, starting on claim line 1, delete “are capable of electronically transmitting and receiving” and insert therefore: - -electronically transmit and receive- -
- Claim 7, starting on claim line 1, delete “is capable of clearing export” and insert therefore: - -clears export- -
- Claim 7, starting on claim line 2, delete “is capable of clearing import” and insert therefore: - -clears import- -
- Claim 9, starting on claim line 2, delete “is capable of transmitting” and insert therefore: - -transmits- -
- Claim 11, starting on claim line 1, delete “are capable of electronically transmitting and receiving” and insert therefore: - -electronically transmit and receive- -
- Claim 12, claim line 2, delete “is configured to record” and insert therefore: - -records- -
- Claim 12, starting on claim line 2, delete “to transmit” and insert therefore: - -transmits- -
- Claim 13, starting on claim line 2, delete “is configured to receive” and insert therefore: - -receives- -
- Claim 13, starting on claim line 3, delete “is capable of clearing” and insert therefore: - -clears- -
- Claim 15, starting on claim line 1, delete “is configured to transmit” and insert therefore: - -transmits- -

Art Unit: 3625

- Claim 20, starting on claim line 1, delete “are capable of electronically transmitting and receiving” and insert therefore: - -electronically transmit and receive- -
- Claim 21, claim line 7, delete “capable of receiving” and insert therefore: - -receives- -
- Claim 21, claim line 8, delete “using” and insert therefore: - -uses- -
- Claim 21, claim line 10, delete “capable of receiving” and insert therefore: - -receives- -
- Claim 21, claim line 11, delete “using” and insert therefore: - -uses- -
- Claim 21, claim line 13, delete “to hold” and insert therefore: - -holds- -
- Claim 21, claim line 14, delete “to release” and insert therefore: - -releases- -
- Claim 21, claim line 15, delete “configured to receive” and insert therefore: - -receives- -
- Claim 21, claim line 16, delete “to deliver” and insert therefore: - -delivers- -
- Claim 21, claim line 16, delete “to transmit” and insert therefore: - -transmits- -
- Claim 21, claim line 18, delete “configured to receive” and insert therefore: - -receives- -
- Claim 21, claim line 19, delete “to hold” and insert therefore: - -holds- -

Art Unit: 3625

- Claim 21, claim line 20, delete “to communicate” and insert therefore:
- -communicates- -
- Claim 21, claim line 21, delete “configured to distribute” and insert
therefore: - -distributes- -
- Claim 21, claim line 23, delete “configured to receive” and insert therefore:
- -receives- -
- Claim 21, claim line 24, delete “to transmit” and insert therefore:
- -transmits- -
- Claim 21, claim line 25, delete “configured to transmit” and insert
therefore: - -transmits- -
- Claim 21, claim line 27, delete “to receive” and insert therefore:
- -receives- -
- Claim 21, claim line 29, delete “configured to transmit” and insert
therefore: - -transmits- -
- Claim 21, claim line 31, delete “configured to transmit” and insert
therefore: - -transmits- -
- Claim 24, claim line 2, delete is configured to record” and insert therefore:
- -records- -
- Delete claim 35 in its entirety and insert therefore:
- -35. An electronic information system for coordinating delivery of a package,
or packages, of goods by a seller using a delivery service system and payment

Art Unit: 3625

for the package by a purchaser using a payment system, the information system comprising:

a request system receiving requests from one of the seller, the purchaser or the delivery service system requesting coordination of the delivery of, and payment for, the package, and instructing the delivery service system to deliver the package during a non-guaranteed payment delivery stage, and the request system transmitting a coordination request verification;

a hold system receiving the verification of the coordination request and automatically transmitting a hold request associated with the package to the delivery service system prior to release of the package from an intermediate location and in response to receipt of the verification of the coordination request, the hold request requesting the delivery service system to hold the package at the intermediate location pending receipt of a release request; and

a release system receiving a payment verification transmitted by the payment system, the payment verification verifying payment into escrow by the purchaser for the package, and the release system transmitting the release request to the delivery system in response to receipt of the payment verification, the release request requesting the delivery service system to release the package for delivery to the purchaser

wherein delivery to the purchaser occurs during a guaranteed payment delivery stage, and

wherein delivery during the non-guaranteed delivery stage is to the intermediate location and delivery during the guaranteed delivery stage is from the intermediate location to the purchaser,

said release system further transmitting a delivery notification to the payment system, said delivery notification indicating delivery of the package to the purchaser and triggering payment of the seller for the package by the payment system.- -

- Delete claim 36 in its entirety and insert therefore:

- -36. An electronic information system for coordinating delivery of a package, or packages, of goods by a seller using a delivery service system and payment for the package by a purchaser, the information system comprising:

a request system receiving requests from one of the seller, the purchaser or the delivery service system requesting coordination of the delivery of, and payment for, the package, the request system also transmitting a coordination request verification;

a hold system receiving the verification of the coordination request and automatically transmitting a hold request to the delivery service system in response to receipt of the verification of the coordination request and prior to release of the package from an intermediate location for delivery to the purchaser, the hold request requesting the delivery service system to hold the package at the intermediate location pending notification of a release request;

a payment system receiving payment associated with the package from a funds account of the purchaser, holding the payment in escrow a notification of delivery of the package to the purchaser and transmitting the payment verification in response to receipt of the payment from the funds account of the purchaser,

said payment system further distributing funds to a funds account of the seller in response to the notification of delivery of the package to the purchaser;

a release system receiving the payment verification transmitted by the account system and verifying payment by the purchaser for the package, the release system transmitting the release request to the delivery service system in response to receipt of the payment verification, the release request requesting the delivery service system to release the package for delivery to the purchaser; and

a delivery notification system notifying the payment system of receipt of the package by the purchaser.- -

- Delete claim 37 in its entirety and insert therefore:

- -37. A delivery system facilitating a transaction between a seller having a funds account and a purchaser having a funds account, wherein the seller has agreed to exchange one, or more, packages of goods for a payment from the purchaser, the delivery system comprising:

a delivery service system delivering the package from a first location to an intermediate location, and from the intermediate location to a purchaser designated location,

a delivery service communication system receiving and transmitting information for said delivery service, said delivery service system responsive to a hold command received via said delivery service communication system to hold the package at the intermediate location pending receipt of a release command and also responsive to the release command received via said delivery service communication system to release the package for delivery of the package to the purchaser designated location, said delivery service communication system further transmitting delivery verification information after delivery of the package by the delivery service to the purchaser designated location;

a payment system receiving and holding in escrow the payment associated with the package from the purchaser's funds account pending receipt of a distribution command and transmitting payment verification information in response to receipt of the payment, said payment system further configured to distribute the payment to the seller's account in response to the distribution command; and

a control system electronically connected to the delivery service communication system and the payment system via at least one electronic network, said control system receiving requests from one of the seller, purchaser or delivery service and automatically transmitting the hold command over the

network to the delivery service in response to the requests and prior to release of the package from the intermediate location, said control system further receiving the payment verification information over the network from the payment system and transmitting the release command over the network to the delivery service in response to receiving the payment verification information, and said control system further transmitting the distribution command to the payment system in response to receipt of the delivery verification information.- -

- Claim 38, claim line 6, deleted “being configured” and insert therefore:
- -configured- -
- Claim 38, claim line 11, deleted “being adapted to communicate” and insert therefore: - -communicating- -
- Claim 40, claim line 2, delete “is configured to receive” and insert therefore: - -receives- -
- Claim 41, claim line 2, delete “is configured to electronically transmit” and insert therefore: - -electronically transmits- -

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The field of the invention relates a system and method of package shipping systems and specifically to electronic systems for facilitating shipping and purchase transactions between a buyer and a seller.

Pertaining to claims 1, 21, 25, 35, and 36-38: The prior art of record neither discloses alone nor teaches and suggests in combination with other prior art the combination of a system and method of transmitting a hold command associated with a physical goods package received at a first location, moving the package to an intermediate location and holding the package pending the issue of a release command by the system, whereby the release command is in response to verification of payment by the buyer into an escrow account. The claimed invention builds trust in the purchasing relationship between a buyer and seller and speeds up the process by shipping the package while the financials are being resolved between the buyer and the system.

Closest US Patent Prior Art

US 5,717,989 (Tozzoli cited in final office action, withdrawn on appeal)

Tozzoli discloses a system and method of transacting a Letter of Credit to facilitate cross-borders trading. A bank guarantees a Letter of credit if the seller meets the specific terms of the letter of credit. In the letter of credit process, the seller and purchaser agree to the terms of the transaction and the purchaser

applies for the letter of credit from its bank. The purchaser's bank issues the letter of credit to the seller on the purchaser's behalf. The seller ships the goods and sends the letter of credit to its bank. The seller's bank audits the letter of credit for completeness and accuracy and then forwards the letter of credit to the purchaser's bank. The purchaser's bank compares the documents to the letter of credit to determine whether the terms of the letter of credit have been met by the seller. If the documents match, the purchaser's bank pays the seller's bank and provides the purchaser with the verified letter of credit. The purchaser presents the verified letter of credit to the transportation company to take possession of the goods and arrange for final delivery. Under the letter of credit, the purchaser's bank guarantees payment to the seller if the seller meets the specific terms of the letter of credit. Much of the risk in the transaction is shifted to the purchaser who is contractually obligated to pay if the terms of the letter of credit are met. In addition, the purchaser must receive a credit approval prior to shipment, which delays the shipment. If the purchaser fails to obtain credit approval, the transaction may not be completed.

Tozzoli neither discloses alone nor teaches and suggests in combination with other prior art the combination of transmitting a hold command associated with a package received at a first location, moving the package to an intermediate location and holding the package pending the issue of a release command by the system, whereby the release command is in response to verification of payment by the buyer into an escrow account.

Forward and backward citations of Tozzoli produce prior art in the field of which none disclosed the claimed invention.

Tozzoli in combination with Dutta (US 6865559 cited in the last final office action, withdrawn following appeal) fail to disclose or teach and suggest the claimed invention.

Closest Non-patent Literature

Rodgers (Item: U, cited in previous non-final office action)

Rodgers describes some of the highlights of the system disclosed in the Rodgers PCT application. A buyer and seller meet through an auction site or other venue and register at Nescrow.com. A price is agreed on and the sale registered. UPS is notified and a driver is dispatched. Once the package is in the hands of UPS, Nescrow.com is notified and the buyer's credit card or wire transfer payment is placed in an escrowed account. The buyer has five days to inspect the product. If it is acceptable, after five days the payment is transferred to the seller.

Rodgers neither discloses alone nor teaches and suggests in combination with Rodgers (PCT cited in the previous non-final office action) with other prior art the combination of transmitting a hold command associated with a package received at a first location, moving the package to an intermediate location and holding the package pending the issue of a release command by the system,

whereby the release command is in response to verification of payment by the buyer into an escrow account.

Closest Foreign Prior Art

WO 00/52555 (Stroh, cited in IDS entered 15 March 2002)

Stroh discloses a trade financing system that employs modified bills of exchange for international trade in goods and services. The buyer executes a bill of exchange, which is a payment draft, and submits the bill of exchange to the seller along with an order for a traded product. The bill of exchange is made payable to the seller, or the seller's agent. The seller obtains a verification of the creditworthiness of the draft, and upon receiving verification, the seller ships the traded product. The bill of exchange is "event-triggered" and becomes negotiable upon release of the traded product to the control of the buyer. Notice of the triggering event includes a receipt of verification of the shipment via the electronic tracking capabilities of the carrier. Once the triggering event is satisfied, the draft becomes negotiable, through conventional banking or other financial channels, for the full value of the traded product, less any fees and discounts charged for processing.

The seller is protected by not having to ship the goods until receipt of, and credit verification of, a payment draft in the form of a bill of exchange executed by the buyer. The bill of exchange protects the purchaser by being latent until a triggering event occurs, such as release of the traded product by the

transportation company into the control of the buyer. However, execution of payment documents by the buyer, and the full demonstration of readiness to pay to the seller before the seller ships the goods, delays the shipping process. In addition, the draft is a full contractual agreement that must be signed by both parties before the transaction is complete, and must later be negotiated to obtain a cash payment. These complexities slow the transaction process, and render use of the bill of exchange undesirable for less sophisticated buyers and sellers.

Stroh neither discloses alone nor teaches and suggests in combination with other prior art the combination of transmitting a hold command associated with a package received at a first location, moving the package to an intermediate location and holding the package pending the issue of a release command by the system, whereby the release command is in response to verification of payment by the buyer into an escrow account.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Art Unit: 3625

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
January 7, 2007